

In re Application of:
Thomas Maurer et al.
Application No.: 09/647,304
Filed: September 27, 2000
Page 9

PATENT
Docket No.: EYEM1100

REMARKS

In the pending Office Action, claim 17 was objected to for a claim numbering formality. Claims 20 and 23 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite for failing to provide sufficient antecedent basis for a limitation in the claims. Claims 1-3, 6, 13, 14, 16, and 18-27 were rejected under 35 U.S.C. § 102(a) as allegedly anticipated by a publication by Wiskott et al. titled “Face Recognition by Elastic Bunch Graph Matching.” Claims 4 and 15 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over the Wiskott publication in view of a publication by Maki et al. titled “A Computational Model of Depth-Based Attention.” Claims 7-10 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over the Wiskott publication in view of U.S. patent number 5,867,587 to Aboutalib et al. Claim 11 was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over the Wiskott publication in view of the Aboutalib patent, and further in view of U.S. patent number 6,044,168 to Tuceryan et al. Claims 12 and 17 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over the Wiskott publication in view of U.S. patent number 5,839,000 to Davis et al.

Applicants respectfully traverse each of the rejections and respectfully request reconsideration of this application in light of the following remarks.

The rejection of independent claim 1 as allegedly anticipated by the Wiskott publication is respectfully traversed. Independent claim 1, as amended, recites “automatically defining a region of interest in the image indicative of a predetermined feature of the person using an early vision cue, wherein the region of interest comprises less than ten percent of the image.” The Wiskott publication fails to disclose using an early vision cue to define a region of interest that is less than ten percent of the image. Accordingly, independent claim 1, as amended, defines a patentable advance over the Wiskott publication, and should now be allowed.

Claims 2-12 depend on independent claim 1, and for the reasons given above with respect to independent claim 1, likewise should now be allowed.

In re Application of:

Thomas Maurer et al.

Application No.: 09/647,304

Filed: September 27, 2000

Page 10

PATENT

Docket No.: EYEM1100

The rejection of independent claim 13 as allegedly anticipated by the Wiskott publication is respectfully traversed. Independent claim 13, as amended, recites “means for automatically defining a region of interest in the image indicative of a predetermined feature of the person using an early vision cue, wherein the region of interest comprises less than ten percent of the image.” The Wiskott publication fails to disclose means for automatically defining a region of interest in the image indicative of a predetermined feature of the person using an early vision cue, wherein the region of interest comprises less than ten percent of the image. Accordingly, independent claim 13, as amended, defines a patentable advance over the Wiskott publication, and should now be allowed.

Claims 14-17 depend on independent claim 13, and for the reasons given above with respect to independent claim 13, likewise should now be allowed.

The rejection of independent claim 18 as allegedly anticipated by the Wiskott publication is respectfully traversed. Independent claim 18, as amended, recites “automatically defining a region of interest in the image indicative of a predetermined feature of the person using an early vision cue, wherein the region of interest comprises less than ten percent of the image.” The Wiskott publication fails to disclose using an early vision cue to define a region of interest that is less than ten percent of the image. Accordingly, independent claim 18, as amended, defines a patentable advance over the Wiskott publication, and should now be allowed.

Claims 19-20 depend on independent claim 18, and for the reasons given above with respect to independent claim 18, likewise should now be allowed.

The rejection of independent claim 21 as allegedly anticipated by the Wiskott publication is respectfully traversed. Independent claim 21, as amended, recites “means for automatically defining a region of interest in the image indicative of a predetermined feature of the person using an early vision cue, wherein the region of interest comprises less than ten percent of the image.” The Wiskott publication fails to disclose means for automatically defining a region of interest in the image indicative of a predetermined feature of the person using an early vision cue,

In re Application of:
Thomas Maurer et al.
Application No.: 09/647,304
Filed: September 27, 2000
Page 11

PATENT
Docket No.: EYEM1100

wherein the region of interest comprises less than ten percent of the image. Accordingly, independent claim 21, as amended, defines a patentable advance over the Wiskott publication, and should now be allowed.

Claims 22-23 depend on independent claim 21, and for the reasons given above with respect to independent claim 21, likewise should now be allowed.

The rejection of independent claim 24 as allegedly anticipated by the Wiskott publication is respectfully traversed. Independent claim 24, as amended, recites "automatically defining a region of interest in the image indicative of a predetermined feature of the person using an early vision cue, wherein the region of interest comprises less than ten percent of the image." The Wiskott publication fails to disclose using an early vision cue to define a region of interest that is less than ten percent of the image. Accordingly, independent claim 24, as amended, defines a patentable advance over the Wiskott publication, and should now be allowed.

Claim 25 depends on independent claim 24, and for the reasons given above with respect to independent claim 24, likewise should now be allowed.

The rejection of independent claim 26 as allegedly anticipated by the Wiskott publication is respectfully traversed. Independent claim 26, as amended, recites "means for automatically defining a region of interest in the image indicative of a predetermined feature of the person using an early vision cue, wherein the region of interest comprises less than ten percent of the image." The Wiskott publication fails to disclose means for automatically defining a region of interest in the image indicative of a predetermined feature of the person using an early vision cue, wherein the region of interest comprises less than ten percent of the image. Accordingly, independent claim 26, as amended, defines a patentable advance over the Wiskott publication, and should now be allowed.

Claim 27 depends on independent claim 26, and for the reasons given above with respect to independent claim 26, likewise should now be allowed.

In re Application of:
Thomas Maurer et al.
Application No.: 09/647,304
Filed: September 27, 2000
Page 12

PATENT
Docket No.: EYEM1100

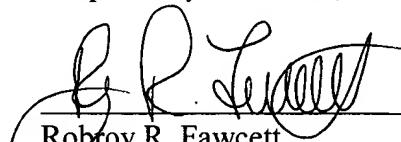
Claim 17 has been amended to depend on independent claim 13, claim 20 has been amended to depend on claim 19, and claim 23 has been amend to depend on claim 22. Accordingly, the informality objection to claim 17, and the antecedent basis rejections of claims 20 and 23, should now be withdrawn.

The amendments to independent claims 1, 13, 18, 21, 24 and 26 are supported in the specification at page 5, lines 16-26. New claims 28-32 are based on original claim 3.

CONCLUSION

In view of the above amendments and remarks, reconsideration and prompt evaluation of all pending claims are respectfully requested. If any questions or issues remain, the Examiner is invited to contact the undersigned at the telephone number set forth below so that prosecution of this application can proceed in an expeditious fashion.

Respectfully submitted,



Robroy R. Fawcett
Reg. No. 35,133
Telephone: (760) 738-7005
Facsimile: (775) 255-6419

Date: September 9, 2004

1576 Katella Way
Escondido, California 92027